

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

TWIN COUNTY GROCERS, INC. \* CIVIL NO. 97-2052 (DRD)

Plaintiff,

v.

MENDEZ AND CO., INC. et al.,

Defendants.

\* \* \*

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U.S. DISTRICT COURT  
SAN JUAN, P.R.

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ORDER

The Opinion and Order of the Court entered on September 30, 1999, (Docket No. 113), is vacated because the court has undertaken to correct typographical and/or orthographical errors. The court further enters alterations that do not affect the original result. The accompanying Opinion and Order issued on this same date supersedes the prior opinion.

The court temporarily stays the Opinion and Order as to Section IV- A "The Applicability of Law 75." In so doing, the court recognizes the recent determination of the Circuit Court of Appeals on October 25, 1999, withdrawing the decision of Irvine v. Murad Skin Research Laboratories, Inc., 183 F.2d 29 (1<sup>st</sup> Cir. 1999), cited by the court in its original Opinion and Order, (the recall by the Court of Appeals occurred after the District Court's original opinion). The court shall reexamine the matter if necessary after the final decision is rendered by the Circuit Court.

Nevertheless, the final outcome of the instant case, should Law 75 apply to the proffered facts, and the constitutional challenge depends in the first instance, upon the

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nature and scope of the distribution agreements of Méndez contracts. Hence, the court must meet with the parties to establish the management of the case as to the issue of the nature and scope of the Méndez' distribution contracts.

On a separate but relevant matter, Plaintiff Twin County Grocers, Inc. has filed for Bankruptcy relief. The court orders Twin County Grocers, Inc. to advise the court within twenty days of this order if this case is to continue. (The court is aware that there are cross claims which may mandate the continuance of the case even if Twin County determines not to continue in the case).

**The court, therefore, shall hold a management conference with all parties on December 28, 1999, at 4:00 P.M.**

IT IS SO ORDERED.

At San Juan, Puerto Rico, this 23 day of November 1999.



DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE